



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE SEPTEMBER 16, 2020 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 16, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department
Chief Alan Rodbell, Scottsdale Police Department

Members Present (via online video/telephone conferencing):

Sheriff Mark Dannels, Cochise County Sheriff's Office
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Colonel Heston Silbert, AZ Department of Public Safety
Ms. Leesa B. Weisz, Public Member

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Officer Matthew Medina, Prescott Police Department
Deputy Christopher Pittmann, Maricopa County Sheriff's Office

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Ron Bayne, Training Specialist
Dan Ciernia, Digital Media Supervisor
Amanda Faust, Program Administrator
Mike Giammarino, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Program Administrator
Sandy Sierra, Executive Assistant
Aaron Thomas, Training Specialist
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist

Mike Deltenre, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl (in person)

Jennifer LaRoque (in person)

Carrie Smith (via telephone)

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:02 a.m. and asked Ms. Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. 10 Board members are present today, four are here in person and six are participating via telephone/video conferencing. Deputy Christopher Pittmann, Officer Matt Medina and Sheriff Scott Mascher are absent.
- We recently added a new staff member. Compliance Specialist Mike Giammarino is a retired lieutenant from the Phoenix Police Department. Mike will be in charge of facilities and public records. Mike brings an auditing background from the City of Phoenix and as we move into 2021, we will be updating our training records and audits and Mike will be an integral part of that process. We are very excited to have him here.
- Assistant Attorney General Carrie Smith will provide legal advice to the Board on the first final action case – Joseph E. Borquez 19-181.
- We are rebuilding the Training side of the house. During the economic downturn, we reduced a lot of the training we were doing. We are building it back up and will be adding a new staff member to the unit in early October.

C. Executive Director's Report

Matt Giordano, Executive Director

- We have recreated the Basic Leadership Course. We will be launching the new course the third week of November. We are very excited about this because this will be something different than AZPOST has ever done. It will be a one month program which will begin online with 35 attendees per class. The program will be a management style of leadership, done online with a third-party vendor we contracted. After completing the online program, attendees will attend a one week in-person class at AZPOST. We will open the registration for this class very soon. The new Executive Leadership Course is a change from the Advanced Leadership Program (ALP) we previously offered. We will launch the Executive Leadership Course in 2021. We plan on providing three classes of the Basic Leadership Course and two classes of the Executive Leadership Course.
- We are working with the AZ Criminal Justice and Vulnerable Adult Workgroup and will be hosting a one week training course the week of October 12. It will be 3 hours of training and will be livestreamed for viewing statewide. We are working with the AZ Bar as well because this training will also apply to lawyers. Attendees will receive 3 hours of continuing training credit. We have done numerous high-tech improvements to our facility

to allow us the ability to host training and livestream it to officers anywhere in Arizona. Thanks to this new technology, we can provide a better level of customer service.

Chief Rodbell stated he has concerns with this year’s budget and how it will affect training. He thinks it is important that we pay attention because during tight budget years, training is the first thing we lose. We are starting to see turnover at a quicker rate, leadership is turning over quicker and people are coming in with less experience and less opportunity to learn. He would like us to prepare for next year’s budget by deciding what our strategy will be to get the extra funding we need, not just to pay for entry level training at the academies, but to prepare officers for later on. He would like to make this a priority. He does not want to fully rely on CJEF funds to fund police training.

Executive Director Giordano stated he couldn’t agree more. With appropriated funding, we use 100% of this funding for academy reimbursement. If we are able to receive appropriated funding in FY 2022, it will allow us to use our CJEF funding to increase our training for advanced officer training. He also sees this as a priority. We see a void in basic leadership training and executive leadership training. It is incumbent upon us to fill this void to help build the next generation of law enforcement leaders in Arizona.

- The 100 Club and Bondurant School of Driving have partnered and have included us in the partnership. They will be hosting four driving classes with 25 students per class. The 100 Club is handling registration and also providing food for the attendees. We will be offering continuing training credit for this class, it is a full 8 hours of training. Five SME driving instructors have been invited to attend the training to allow us to provide the 8 hours of continuing training credit.

Due to audio difficulties, the Board took a break at 10:02 am and returned to the meeting at 10:15 am. Roll call was taken once again. Board members who were previously present are still present.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Sheriff Dannels and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on August 19, 2020.
2. Certification Waivers:

Alexander Broadway	Mesa Police Department
Loran .T. Crouch	Goodyear Police Department
Sean C. Horst	Casa Grande Police Department
Duane D. Heberbrand	Arizona Western College Police Department
Ethan G. Kepler	Goodyear Police Department

Clayton M. Leonard	Apache Junction Police Department
Shaquille D. Perez	Mesa Police Department
Scott H. Pitcher	Goodyear Police Department
Eric M. Wunderlich	Lake Havasu City Police Department
Thomas J. Livingston	Scottsdale Police Department

3. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Barkley G. Perry	18-156	AZ State University Police Department
Nathaniel J. Winston	18-123	Tohono O’odham Nation Police Department

E. Review, Discussion and Possible Action on a Mesa Police Department Petition for a waiver pursuant to A.A.C. R13-4-105(C) and A.A.C. R13-4-103(G) for Applicant Luis Zuniga

Assistant Attorney General Mark Brachtl addressed the Board regarding the Mesa Police Department petition for waiver pursuant to A.A.C. R13-4-105(C) and A.A.C. R13-4-103(G) for Applicant Luis Zuniga. Applicant Zuniga consumed two edible marijuana products over four years ago, when he was 22 years old. Commander Jeffrey Cutler, Mesa Police Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion that based upon the information submitted by the Mesa Police Department, and pursuant to Rule 13-4-103(G), the Board grant the request for waiver for Applicant Luis Zuniga. The motion was seconded by Sheriff Dannels and passed unanimously.

F. Final Action Cases:

1. 18-181 – Joseph E. Borquez – Pima County Sheriff’s Department

Due to technical difficulties, Mr. Johnson abstained from this case. The Board considered comments from Assistant Attorney General Mark Brachtl; who provided a brief overview of the case and the terms of the proposed Consent Agreement and from Stephen T. Portell, attorney for Mr. Borquez.

Sheriff Dannels made a motion to accept the proposed Consent Agreement, Decision and Order for a retroactive 30-day suspension of Mr. Borquez’s peace officer certification. The suspension shall be in effect from October 21, 2019 through October 23, 2019. The motion was seconded by Captain Bischoff and passed unanimously.

2. 19-210 – Amaury Fernandez – Peoria Police Department

Due to technical difficulties, Mr. Johnson abstained from this case. The Board considered comments from Compliance Specialist William Caldwell; who provided a brief overview of the case. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Fernandez’s peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

G. New Charging Cases:

1. 20-080 – Daniel R. Barlow – Colorado City Marshal’s Office

Due to technical difficulties, Mr. Johnson abstained from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Barlow’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

2. 20-039 – Ze’Vohn S. Carson – Buckeye Police Department

Due to technical difficulties, Mr. Johnson abstained from this case. The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Chief Tom Kelly made a motion to Initiate Proceedings against Ms. Carson’s peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

H. Future Agenda Items

We are hoping to have a report on the Use of Force pilot program on next month’s agenda.

Assistant Attorney General John Johnson would like to address the Board to discuss the training the Attorney General’s Office provides to their sworn peace officers and how to incorporate this to all existing members of law enforcement. We will add this discussion to next month’s agenda.

I. Adjournment

The meeting was adjourned at 10:40 a.m.